

### **REMARKS**

In the Action, the claims are rejected over the cited patents. In response, claims 1, 9, 10, 12, 17, 22, 26, 28 and 31 are amended. Claims 4, 8, 15 and 27 are cancelled.

The claims are amended to overcome the objections on matters of form. Claim 22 is amended to recite the amounts of the components based on the total weight of the composition. In view of these amendments and the following comments, reconsideration and allowance are requested.

### **The Rejections**

Claims 1, 5, 9 and 11 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2005/0158252 to Romanowski et al. The rejection is based on the position that Romanowski et al. discloses various components and suggests that it would have been obvious to combine the components in the claimed manner.

Applicants submit that it would not have been obvious to one of ordinary skill in the art in view of Romanowski et al. to combine the claimed ingredients in an amount to inhibit inflammation of oral tissue as in claim 1. The rejection is based on randomly selecting certain components disclosed in Romanowski et al. Romanowski et al. provides no guidance or suggestion to combine the components in the claimed manner. Based on the disclosure in Romanowski et al., hundreds of potential compounds and compositions could be prepared by randomly picking and choosing selected components. The rejection relies on Applicants' disclosure to make the selection, and thus, does not establish prima facie obviousness. Romanowski et al. does not suggest the desirability of combining these selected components in the claimed manner. Accordingly, it would not have been obvious to one of ordinary skill in the

art to pick and choose among the components of Romanowski et al. to attain the claimed composition.

Furthermore, Applicants have found that each of the components show a particular function and provides a specific property to the composition when combined to provide an oral composition to inhibit inflammation. As noted in the previous response, each of the components provide a specific function which when combined, provide a result that is not suggested by Romanowski et al. The enhanced performance of the specific combination of the plant components are exhibited by the claimed combination. For example, the bio-saponin is found to function as a natural surfactant which breaks down the outer layer of cells and other waxy layers. This function enables the gota kola to function more effectively to promote lyses of bacteria. This component also functions as a foaming agent in the composition and enhances the performance of the other components such as the *Centipeda* extract, coenzyme Q10, aloe vera, folic acid, and Vitamin E. Romanowski et al. clearly does not disclose or suggest these features or the claimed combination of the active components.

In view of the above comments, claim 1 is not obvious over Romanowski et al. Claims 9 and 11 are also allowable as depending from claim 1. Romanowski et al. clearly does not suggest the combination of each of the components of claim 9 in the claimed amounts in combination with the composition of claim 1. Accordingly, these claims are allowable over Romanowski et al.

Claims 1-3, 5-7, 9-14 and 16-33 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2002/0044977 to Close in view of the literature by Harrison and U.S. Patent No. 5,741,138 to Rice et al.

The combination of these cited patents and publications as a whole do not disclose or suggest the claimed composition. The cited references disclose numerous components but

provide no teaching or suggestion to combine the components in the manner of the claimed invention. One skilled in the art would not consider it obvious to combine the components in the claimed manner in view of the random disclosure of each of the components.

Close does not disclose or suggest a holistic extract of *Centipeda cunninghami* as in claim 1. Furthermore, Close does not suggest the composition containing the claimed extract of *Centipeda cunninghami* in combination with the other active components. The combination of the claimed plant materials is not a random selection, but instead, a combination based on experimentation to provide the anti-inflammatory properties in the oral composition. The specific combination of components and the amounts of the components provide a moisturizing feel to the mouth compared to the drying or astringent feel of the prior compositions. The moisturizing effect of the composition is based on the combination of components and the amounts of the components. The art of record provides no teaching or suggestion to combine the components in the claimed amounts or that the claimed components provide the properties of the present invention.


The rejection is based on randomly selecting certain components from Close, Harrison and Rice et al. and clearly uses Applicants' disclosure as a guide to select the components and to combine them in the manner that is disclosed only in Applicants' specification. The combination of the references does not suggest the claimed combination of components.

The Action provides no basis for the position that it would have been obvious to select the claimed components from the broad list of components in each of the cited patents to attain the claimed composition. The cited references clearly provide no indication of a beneficial result in combining the components in the claimed manner. The invention is not obvious where the cited patents provide no teaching or suggestion to make the proposed combination.

In view of the above comments, independent claims 1 and 22 are not obvious over the cited references. The dependent claims are also not obvious as depending from an allowable base claim and for reciting additional features of the invention.

In view of these amendments and the above comments, reconsideration and allowance are requested.

Respectfully submitted,

  
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